

**IN THE CLAIMS**

1. (Currently Amended) A bandwidth monitoring method suitable for use in a network , comprising the steps of:

transmitting a specific type of packets in preference to packets other than the specific type of packets;

~~when a packet flows into the network, monitoring whether the packet violates a contract bandwidth being under contract with a source of the packet;~~

judging whether thean inputted packet corresponds to the specific type of packets;~~and~~

monitoring whether the specific type of packets violate a contract bandwidth under contract with a source of the specific type of packets; and

when the packets of the specific type does not violate the contract bandwidth and the inputted packet does not belong to the specific type of packet, transmitting the inputted packet as if it belonged to the specific type ~~of packet~~.

2. (Original) The bandwidth monitoring method according to claim 1, wherein said packet has a header, and a said judging as to whether the packet corresponds to the specific

type of packet is performed according to a value in the header.

3. (Original) The bandwidth monitoring method according to claim 2, further comprising the step of:

when the value in the header does not correspond to a specific value indicative of the specific type of packet, changing the value in the header to said specific value.

4. (Original) The bandwidth monitoring method according to claim 2, wherein said header has a priority field and said judging as to whether the packets correspond to the specific type of packet is performed according to the value in the priority field.

5. (Original) The bandwidth monitoring method according to claim 1, wherein said monitoring is carried out by using a leaky bucket algorithm with a first depth of bucket when the packet is not the specific type of packet, and a leaky bucket algorithm with a second depth of bucket different from the first depth when the packet corresponds to the specific type of packet, thereby to judge whether or not said packet

violates the contract bandwidth being under contract with the source of the packet.

6. (Currently Amended) A bandwidth monitoring method for use in a network , comprising the steps of:

transmitting a specific type of packets in preference to packets other than the specific type of packets;

~~when a packet flows into the network, monitoring whether the packet violates a contract bandwidth being under contract with a source of the packet;~~

determining whether ~~the~~ an inputted packet corresponds to the specific type of packets; and

monitoring whether the specific type of packets violate a contract bandwidth under a contract with a source of the specific type of packets; and

transmitting the inputted packet as a packet ~~having~~ of the specific type when a bandwidth being used by the source of the packet of the specific type is less than or equal to a first bandwidth smaller than the contract bandwidth and the inputted packet does not correspond to the specific type of packets.

7. (Original) The bandwidth monitoring method according to claim 6, further comprising the step of:

transmitting the packet as a packet other than the specific type of packet when the bandwidth being used by the source of the packet exceeds the first bandwidth and the packet does not correspond to the specific type of packet.

8. (Original) The bandwidth monitoring method according to claim 6, further comprising the step of:

transmitting the packet as a packet other than the specific type of packet when the bandwidth being used by the source of the packet exceeds the contract bandwidth and the packet corresponds to the specific type of packet.

9. (Original) The bandwidth monitoring method according to claim 6, wherein said monitoring method is carried out by using a leaky bucket algorithm with a first depth of bucket when the packet is not the specific type of packet, and a leaky bucket algorithm with a second depth of bucket when the packet corresponds to the specific type of packet, said first depth being different from said second depth, thereby to judge whether or not said packet violates the contract bandwidth being under contract with the source of the packet.

10-20. (Canceled)